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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,253	04/26/2000	HENNING MAAB	PHD98.097	6706
24737	7590	12/22/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			JABR, FADEY S	
			ART UNIT	PAPER NUMBER
			3639	
DATE MAILED: 12/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/530,253	MAAB ET AL.	
	Examiner	Art Unit	
	Fadey S. Jabr	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims **1-4** remain pending and are again presented for examination.

Response to Arguments

1. Applicant's arguments with respect to claims **1-4** have been considered but are moot in view of the new ground(s) of rejection.
2. The previous 35 U.S.C. 102 (b) rejection has been withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims **1-4** are rejected under 35 U.S.C. 102(b) as being anticipated by Hertel, U.S.

Patent No. 5,751,246.

As per **Claim 1**, Hertel discloses a locating system comprising:

- at least one data carrier located in a location defined by an absolute position
(Col. 2, lines 57-59; Col. 3, lines 50-52; Col. 4, lines 5-6); and
- an information unit which remote from the at least one data carrier for assigning an area corresponding to said absolute position, determining area boundaries

- corresponding to the assigned area and transmitting the area boundaries to the at least one data carrier (Col. 2, lines 60-67; Col. 3, lines 1-6; Col. 4, lines 37-39);
- wherein said at least one data carrier transmits its position to the information unit only in case of initialization and in case of movement of the at least one data carrier from the area and wherein a third party interrogates the information unit from the position of the at least one data carrier (Col. 5, lines 38-54).

As per **Claim 2**, Hertel further discloses a locating system wherein the at least one data carrier has a memory for storing the area boundaries and absolute data, and a comparator for comparing the position data with the area information when the boundaries corresponding to the area received by the at least one data carrier (Col. 2, lines 61-63; Col. 4, lines 10-11; Col. 5, lines 38-40).

As per **Claim 3**, Hertel discloses a method of locating an object provided with a data carrier located in an area, the method comprising:

- receiving position data by the data carrier from a position-determining system (Col. 3, lines 60-63);
- transmitting position data by the data carrier to an information unit (Col. 4, lines 4-48);
- assigning an area corresponding to the position data by the information unit (Col. 2, lines 60-67; Col. 3, lines 1-6; Col. 4, lines 50-55);

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- determining area boundaries corresponding to the assigned area by the information unit (Col. 2, lines 60-67; Col. 3, lines 1-6);
- transmitting boundaries of the area to the data carrier (Col. 2, lines 60-67; Col. 3, lines 1-6);
- comparing a position of the data carrier with the boundaries of the area (Col. 5, lines 38-40);
- transmitting new position data to the information unit only in case of initialization and in case of a negative result of the comparison of the area boundaries transmitted by the information unit with the position of the data carrier (Col. 5, lines 38-54); and
- interrogating the information unit from a third party for the position of the data carrier (Col. 5, lines 43-51).

As per **Claim 4**, Hertel further discloses a method wherein the area in which the data carrier is located is stored in the information unit (Col. 4, lines 37-39).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references

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in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

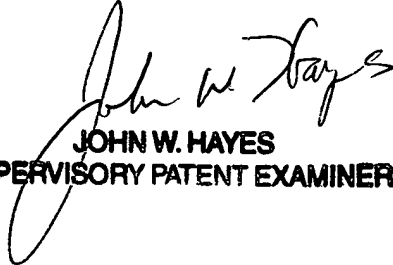
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fadey S Jabr
Examiner
Art Unit 3639

FSJ


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER

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Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Washington, D.C. 20231

or faxed to:

(571) 273-1516 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

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